

## PROPOSITION 120

### ANALYSIS BY LEGISLATIVE COUNCIL

1        In 1910, the United States Congress passed the Arizona-New Mexico Enabling  
2        Act, allowing Arizona to become a state. The Enabling Act also granted Arizona  
3        approximately 10.9 million acres of state trust land, subject to certain terms for the  
4        management, operation, use and disposition of those trust lands.

5        Proposition 120 would amend the Arizona Constitution to declare Arizona's  
6        sovereign and exclusive authority and jurisdiction over the air, water, public lands,  
7        minerals, wildlife and other natural resources within the state's boundaries. Specifically  
8        excluded from this declaration are Indian reservations, lands of the United States and  
9        federal "forts, magazines, arsenals, dock-yards, and other needful buildings" obtained for  
10       federal government purposes, as required by Article I, section 8, clause 17 of the United  
11       States Constitution.

12       Proposition 120 also would amend the Arizona Constitution to repeal Arizona's  
13       disclaimer of all right and title to public lands within the state (except Indian  
14       reservations) and to repeal Arizona's consent to provisions of the Enabling Act.

15       Proposition 120 would declare that each state possesses full attributes of  
16       sovereignty on an equal footing with all other states, as provided by the United States  
17       Constitution, and that state sovereignty is fundamental to the security of individual rights,  
18       free government and the inherent political power of the people.

Senate Engrossed House Bill

**FILED**

**KEN BENNETT**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

## **HOUSE CONCURRENT RESOLUTION 2004**

### **A CONCURRENT RESOLUTION**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING THE CONSTITUTION OF ARIZONA BY ADDING ARTICLE II.I; AMENDING ARTICLE XX, PARAGRAPHS 4 AND 12, CONSTITUTION OF ARIZONA; RELATING TO STATE SOVEREIGNTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the  
2 Senate concurring:  
3 1. Article II.I, Constitution of Arizona, is proposed to be added as  
4 follows if approved by the voters and on proclamation of the Governor:

5 ARTICLE II.I. DECLARATION OF STATE SOVEREIGNTY

6 1. Declaration of sovereignty

7 SECTION 1. A. EACH STATE OF THE UNION POSSESSES FULL  
8 ATTRIBUTES OF SOVEREIGNTY ON AN EQUAL FOOTING WITH ALL OTHER  
9 STATES, THE RETENTION OF WHICH IS RECOGNIZED, ACKNOWLEDGED AND  
10 GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES.

11 B. STATE SOVEREIGNTY IS FUNDAMENTAL TO THE SECURITY OF  
12 INDIVIDUAL RIGHTS, THE PERPETUITY OF FREE GOVERNMENT AND THE  
13 INHERENT POLITICAL POWER OF THE PEOPLE.

14 C. THE STATE OF ARIZONA DECLARES ITS SOVEREIGN AND  
15 EXCLUSIVE AUTHORITY AND JURISDICTION OVER THE AIR, WATER, PUBLIC  
16 LANDS, MINERALS, WILDLIFE AND OTHER NATURAL RESOURCES WITHIN ITS  
17 BOUNDARIES EXCEPT FOR:

18 1. TERRITORY ESTABLISHED AS INDIAN RESERVATIONS BY THE  
19 GOVERNMENT OF THE UNITED STATES.

20 2. LANDS OF THE UNITED STATES OR LANDS OVER WHICH  
21 JURISDICTION HAS BEEN CEDED, IN A MANNER PRESCRIBED BY LAW, TO  
22 THE UNITED STATES PURSUANT TO ARTICLE I, SECTION 8, CLAUSE 17,  
23 CONSTITUTION OF THE UNITED STATES.

24 2. Article XX, paragraphs 4 and 12, Constitution of Arizona, are  
25 proposed to be amended as follows if approved by the voters and on  
26 proclamation of the Governor:

27 Fourth. Public lands; Indian lands

28 Fourth. The people inhabiting this state do agree and  
29 declare that they forever disclaim all right and title to the  
30 ~~unappropriated and ungranted public lands lying within the~~  
31 ~~boundaries thereof~~ and to all lands lying within said THE  
32 boundaries OF THIS STATE owned or held by any Indian or Indian  
33 tribes, the right or title to which shall have been acquired  
34 through or from the United States or any prior sovereignty, and  
35 that, until the title of such Indian or Indian tribes shall have  
36 been extinguished, the same shall be, and remain, subject to the  
37 disposition and under the absolute jurisdiction and control of  
38 the Congress of the United States.

39 Twelfth. Lands granted to state

40 Twelfth. The state of Arizona and its people hereby  
41 consent to all and singular the provisions of the enabling act  
42 approved June 20, 1910, concerning the lands thereby granted or  
43 confirmed to the state, EXCEPT FOR the terms and conditions ~~upon~~  
44 ON which said grants and confirmations are made, and the means

1       and manner of enforcing such terms and conditions, ~~all in every~~  
2       ~~respect and particular as in the aforesaid enabling act provided~~  
3       AND THE TERMS AND CONDITIONS FOR THE USE AND DISPOSITION OF THE  
4       LANDS.  
5       3. The Secretary of State shall submit this proposition to the voters  
6       at the next general election as provided by article XXI, Constitution of  
7       Arizona.

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE MAY 2, 2012.

PASSED BY THE SENATE APRIL 30, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2012.

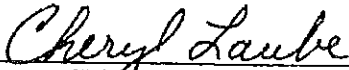
Passed the House March 13, 2012

by the following vote: 39 Ayes,

21 Nays, 0 Not Voting



Speaker of the House

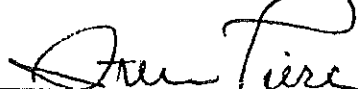


Chief Clerk of the House

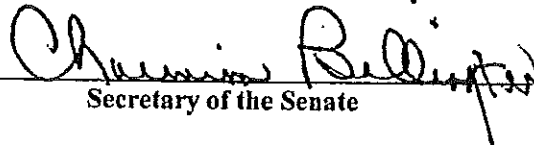
*(On reconsideration)*  
Passed the Senate April 30, 2012

by the following vote: 16 Ayes,

14 Nays, 0 Not Voting



President of the Senate



Secretary of the Senate

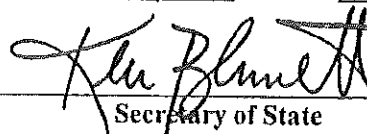
EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Resolution received by the Secretary of State

this 2<sup>nd</sup> day of May, 2012

H.C.R. 2004


at 2:04 o'clock P M.



Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 2, 2012,  
by the following vote: 38 Ayes,  
20 Nays, 2 Not Voting

  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Resolution was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.C.R. 2004